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 Lynette M. Bailey

(Signature)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas F. Tedder

Group Art Unit:

Serial No.: 09/555,349

Examiner: Not Assigned

Filed: May 26, 2000

Docket No.: 180/95 PCT/US

For: ANTIBODY PRODUCTION METHODS RELATED TO DISRUPTION OF PERIPHERAL TOLERANCE IN B LYMPHOCYTES

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. SECTION 371

Assistant Commissioner for Patents
 BOX PCT
 Washington, D.C. 20231

ATTN.: EO/US

Sir:

Pursuant to the "Notification of Missing Requirements under 35 U.S.C. Section 3.71" dated July 3, 2000, and having a period for response set to expire on August 3, 2000, please find enclosed the following:

1. An original executed Declaration and Power of Attorney for the above-referenced U.S. patent application;
2. A check in the amount of \$65.00 representing the small entity missing requirements surcharge fee; and
3. A copy of the Form PCT/DO/EO/905.

Although a check is being submitted herewith, the Commissioner is hereby authorized to charge any deficiency or credit any overpayments in connection with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: 8/1/2000

By:


Arles A. Taylor, Jr.
Registration No. 39,395

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180/95 PCT/US AAT/ajm

Enclosures

09/555,349



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Box PCT
 Washington, D.C. 20231

T 180/95/PCT/U

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
	5071	PCT/US98/25253
		INTERNATIONAL APPLICATION NO.
		I.A. FILED DATE 7/98 PRIORITY DATE 28/97
		DATE MAILED: 07/03/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
- an Elected Office (37 CFR 1.495):
- U.S. Basic National Fee.
- Copy of the international application in:
 - a non-English language.
 - English.
- Translation of the international application into English.
- Oath or Declaration of inventors(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed _____ and _____
- Information Disclosure Statement(s) filed _____ and _____
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed _____
- Verified Statement Claiming Small Entity Status. *WAS/5/98 ed*
- Priority Document.
- Copy of the International Search Report and copies of the references cited therein.
- Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

PCT/DO/EO/917
 PTO-875

 Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

John Anderson
 Telephone: 703 308-9116

09/555,349



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

T 180/95/PCT/U

U.S. APPLICATION NO.	5071	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
ARLES A TAYLOR JR JENKINS & WILSON 3100 TOWER BOULEVARD SUITE 1400 UNIVERSITY TOWER DURHAM NC 27707		PCT/US99/25253 INTERNATIONAL APPLICATION NO.	
		I.A. FILING DATE 07/03/98 PRIORITY DATE 07/28/97 07/03/00	

DATE MAILED:

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence of each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

John Anderson
Telephone: 703 308-9116

CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/US98/25253	25 November 1998 (25.11.98)	28 November 1997 (28.11.97)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: ANTIBODY PRODUCTION METHODS RELATED TO DISRUPTION OF PERIPHERAL TOLERANCE IN B LYMPHOCYTES

APPLICANT(S): DUKE UNIVERSITY; Tedder, Thomas F.

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. section 371**

This replies to the Notice of Missing Requirements under 35 U.S.C. section 371 and 37 C.F.R. section 1.495 (FORM PCT/DO/EO/905).

A copy of FORM PCT/DO/EO/905 accompanies this response.

CERTIFICATION UNDER 37 C.F.R. section 1.10*

(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 8/1/00, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EJ227698970US, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Lynette M. Bailey
(type or print name of person mailing paper)


Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

DECLARATION OR OATH

- I.** The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

FEES

II.

1. Fees for claims

Each independent claim in excess of 3 (37 C.F.R. section 1.492(b))	\$0.00
Each claim in excess of 20 (37 C.F.R. section 1.492(c))	\$0.00

2. Surcharge fees

Surcharge set forth in 37 C.F.R. section 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office.	\$65.00
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Total Fees	\$65.00
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SMALL ENTITY STATUS

- III.** A verified statement that this filing is by a small entity is not attached as it has already been filed in this application.

EXTENSION OF TIME

- IV.** The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. section 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

- V.** The total fee due is:

Completion fee(s)	\$65.00
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TOTAL FEE DUE \$65.00

PAYMENT OF FEES

VI. Enclosed is a check in the amount of \$65.00.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

VII. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper to Account No. 50-0426.

- * 37 C.F.R. section 1.17 (application processing fees)
- * 37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a))
- * 37 C.F.R. section 1.492(e) and/or (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date).

Date: 8/1/2000

Arles A. Taylor, Jr.

Signature of Practitioner

Reg. No.: 39,395
Tel. No.: 001-919-493-8000

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